IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 21553 OF 2005

Date: 05.10.2005

BETWEEN:

Sri Veera Hanuman Waddera Labour Contract Cooperative Society,

Rep. by A. Veeraiah

.... PETITIONER

And

The Commissioner, Kapra Municipality,

Ranga Reddy District.

.... RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 21553 OF 2005

ORDER:

The respondent Municipality issued a notice inviting tenders (NIT) on 27.8.2005 for 24 works in its area and another notice was also issued for 11 works on the same day. By addendum, the schedule of tender process was revised and intending bidders were required to apply for tender schedules by 1.10.2005 and after obtaining tender schedules they required to submit their tenders before 5 p.m. on 5.10.2005, which were to be opened on 6.10.2005.

The petitioner, who is a Waddera Labour Contract Cooperative Society, approached the respondent and filed application on 1.10.2005 for tender schedules in respect of various works. The petitioner was not given tender schedules. Therefore he filed the present writ

petition seeking a direction to the respondent to issue tender schedules to the petitioner.

The learned counsel for the petitioner strenuously submits that the petitioner being a Labour Contract Cooperative Society is entitled for preferential allotment of works and therefore, it was improper and illegal on the part of the respondent to deny tender schedules to the petitioner without assigning any reasons.

The learned Standing Counsel for Kapra Municipality obtained instructions and submits that in May 2005 pursuant to tender notification dated 30.5.2005 the work of widening of road from NFC Bridge to Habsiguda Junction casting about Rs.7,27,547/- was allotted to the petitioner society vide resolution dated 23.6.2005. The petitioner was issued two notices on 30.6.2005 and 22.9.2005 to submit additional security deposit by way of Demand Draft or Bank Guarantee, but the petitioner did not comply with the same. Therefore in accordance with the instructions contained in G.O.Ms.No.52, dated 18.3.2000 the petitioner is not entitled to file tenders for other works. He has also placed before this Court necessary material in support of the same.

The Government of Andhra Pradesh appointed a Committee to review the existing guidelines in respect of concessions to SC/ST, Wadderas Labour Cooperative Contract Societies under the Chairmanship of the Secretary of A.P. Social Welfare Residential Educational Institutions Society, the said Committee submitted a report making certain changes in that. Accepting the same, the Government issued revised guidelines in G.O.Ms.No.52, dated 18.3.2000. Paragraph-4 deals with number of works to be entrusted to Labour Cooperative Societies, which reads as under.

> 4. **Number of Works to be Entrusted At Any Time**: a) No second work shall be given to the Labour Cooperative Societies of SC/ST/Wadderas and also to individuals belonging to SC/ST/Waddera unless the work on hand already entrusted is completed to an extent of 50%.
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> i. At any time the total estimated cost of works entrusted to Labour Cooperative Contract Societies of SC/ST/Wadderas should not exceed Rs.20.00 lakhs.
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> ii. At any time the total estimated cost of work entrusted to individuals of SC/ST/Wadderas should not exceed Rs.10.00 lakhs.
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> iii. Only unskilled works will be entrusted to Labour belonging to Cooperative Societies of SC/ST/Wadderas and also to individuals belonging to SC/ST/Wadderas.
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> iv. All the civil works benefiting the tribals shall be entrusted to VIDCS/Mahila Sanghams/Societies comprising of the local tribals on nomination basis, irrespective of financial limits where the SC/ST/Wadderas Labour Cooperative Contract Societies and individuals belonging to SC/ST/Wadderas are not available. This in particular applies to Agency Areas.
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> v. The works are to be allotted based on the manpower available in the Labour Contract Societies, as given below:-
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> 1 to 10 Members :- upto Rs.10.00 lakhs.
>
> 10 to 15 Members:-upto Rs.10.00 to Rs.15.00 lakhs.
>
> 15 and above :-upto Rs.15.00 to Rs.20.00 lakhs.
>
> As the allotment of works is subject to availability of required labour with societies, adding of 13% towards LI & LA as required in para 154 of APW 'D'

code read with G.O.Ms.No.1452, PWD, dated 29.8.1970 shall be eliminated from the data for the rates.

A plain reading of paragraph 4(a) of the above would show that no second work shall be allotted to a Labour Cooperative Society unless the work on hand already entrusted is completed to an extent of 50%. The petitioner society was allotted the work of widening the road and the proceedings by which the said work is allotted/entrusted is not cancelled. It is altogether different, whether the petitioner commenced the work by complying with the conditions as required by the respondent in its notice, dated 30.6.2005. As long as the petitioner has not completed the work entrusted to it earlier, the respondent is justified in not issuing any tender schedules for the works for which tenders were invited subsequently. In that view of the matter, this Court does not find any illegality or arbitrariness in the action of the respondent. The Writ Petition is devoid of merit and is accordingly dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

5th October, 2005

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